

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

EVELYN COTTER,

Plaintiff,

-vs-

ROB'S COUNTRY MARKET, INC.,

Defendant.

COMPLAINT

Civil Case No.: **3:21-cv-01380 (LEK/ML)**

JURY TRIAL DEMANDED

PRELIMINARY STATEMENT

This is a personal injury action by plaintiff arising out of an slip and fall accident that occurred on January 4, 2020, in which plaintiff fell due to the defective condition of a rug or mat located at the entrance of defendant's grocery store located at Route 11, Mountainview Plaza, Great Bend, Pennsylvania 18821. As a result of the aforesaid slip and fall accident, plaintiff sustained serious personal injuries.

JURISDICTION

1. The district court has original jurisdiction in this case under diversity jurisdiction, pursuant to Title 28 of the Federal Rules of Civil Procedure §1332, because the matter in controversy exceeds \$75,000 and is between citizens of different states.

PARTIES

2. Plaintiff is a citizen of the State of New York, residing at [REDACTED], Kirkwood, New York 13795.

3. Upon information and belief, defendant Rob's Country Market, Inc., is a domestic corporation authorized to do business in the State of Pennsylvania and its address is Route 11, Mountainview Plaza, Great Bend, Pennsylvania 18821.

VENUE

4. This action is properly venued in this Court pursuant to 28 U.S.C. §1391(a) as plaintiff resides within the Northern District of New York.

STATEMENT OF FACTS

5. That on or about January 4, 2020, plaintiff Evelyn Cotter entered Rob's Country Market to go shopping.

6. That as plaintiff was entering the store, the defendant had rugs down that were loose and openly hazardous by virtue of being bunched up and the same caused the plaintiff to fall thereby sustained personal injuries set forth below.

7. That the defendant was negligent in failing to provide safe entry to the store by allowing said hazardous condition to exist; failing to properly inspect or remove the hazardous condition; and otherwise warn customers of the same.

8. That as a result of the aforesaid negligence, plaintiff fell and sustained serious personal injuries, including but not limited to, damage to her lumbar spine, as well as a compression fracture at L1 and L3.

9. That the accident and resulting injuries were caused solely by the negligence of defendants without any negligence on the part of the plaintiff.

10. That as a further result of the aforesaid negligence of the defendants, plaintiff has incurred and is likely to incur significant medical expenses in the future.

11. That by reason of the foregoing, plaintiff seeks compensatory damages from the defendants in an amount to be determined at trial.


PRAYER FOR RELIEF

WHEREFORE, plaintiff, Evelyn Cotter demands judgment against defendant, Rob's

Country Market, Inc., as follows:

- (1) Award plaintiff, Evelyn Cotter, compensatory damages against both defendants in an amount to be determined at trial;
- (2) Award plaintiffs the costs and disbursements of this action, and for such further relief as the Court deems just and proper.

Dated: December 28, 2021
Binghamton, New York



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